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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LE, MIRANDA

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/995,292	Applicant(s) BUINEVICIUS ET AL.	
	Examiner Miranda Le	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14,16-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) 26-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-14, 16-23, 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment, filed 11/07/05.
2. Claims 1-2, 4-14, 16-23, 25 are pending in this application. Claims 1, 14, 21 are independent claims. This action is made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2, 4-9, 11-12, 14, 16-23, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamid et al. (US Patent No. 6,498,861 B1), in view of Wilson et al. (US Patent No. 6,070,159), and further in view of Payne (US Patent No. 6,072,894).

As to claims 1, 14, 21, Hamid teaches a method of capturing, analyzing, managing, and accessing disparate types and sources of media, biometric, and database information, the method comprising: capturing media (a plurality of images is captured, col. 6, line 30), biometric (Figure 4, a user provides biometric input information from a fingerprint image, col. 6, lines 64-65), and database information associated with an individual (the profile information, col. 18, line 1, col. 17, line 57 to col. 18, line 29, col. 9, line 48 to col. 10, line 21);

processing the media, biometric, and database information to extract, analyze (i.e. the biometric information samples are provided to a processor associated with their biometric information sources in the form of fingertips, eyes, palm, and voice, col. 11, lines 14-17) and sort through digital information associated with a number of individuals (see Tables 1 and 2 in col. 5 and col. 6, col. 18, lines 31-65, col. 10, lines 22-65).

Hamid does not expressly teach “providing a user interface that can be configured to retrieve, view, manage, compare, and annotate the captured information and analysis. However, Wilson teaches providing a user interface (clients computer in fig.1) that can be configured to retrieve, view, manage, compare, and annotate (searching, storing, deleting, inserting biometric records, at col. 7, lines 43-33) the captured information and analysis (col. 8, lines 33-50, col. 6, lines 54-67, col. 7, lines 45-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to arrive at applicant's invention since both deal with biometric searching. As Wilson discloses a user interface that can be configured for storing and searching for biometric data in a large database, Hamid discloses identifying an individual presenting a biometric information source to a system. By combining Wilson and Hamid, the user could create

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a method for readily expandable storing, searching, and matching of biometric data, which having increased performance capabilities, e.g. speed of data searching and processing and increased accuracy (col. 2, lines 59-61).

Hamid, Wilson do not explicitly teach “including time information with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual, wherein the time information includes when the media, biometric, and database information is captured”. However, Payne teaches including time information (i.e. the timestamp, col. 6, lines 6-10, col. 9, lines 16-28) with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual, wherein the time information includes when the media, biometric, and database information is captured (i.e. the positive result of this facial comparison transaction is returned to the subsequent financial institution branch 40 and displayed on the image capture computer 46 along with the complete transaction history information for this facial image, col. 9, lines 16-28, col. 11, lines 24-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to arrive at applicant's invention since both deal with biometric searching and since Payne's teachings of searching, comparing, displaying a complete transaction history information of an individual would have enabled Hamid's users to quickly obtain a biometric facial comparison capability that can be readily accessible across organizational boundaries, affordable, and work in a short period of time.

As per claim 2, Willson teaches the media, biometric, and database information includes a facial image, voice audio, or fingerprint (col. 7, lines 8-24).

As to claims 4, 16, Hamid teaches forming a summary profile that is an abstract including intelligent portions of various captures of media, biometric, and database information associated with the individual (col. 5, line 4 to col. 6, line 26).

As to claims 5, 17, Hamid teaches selectively presenting the summary profile in the user interface (col. 15, line 62 to col. 16, line 52).

As to claims 6, 18, Hamid teaches the selective presentation of the summary profile in the user interface is in response to a search query (col. 17, line 15 to col. 18, line 29).

As to claims 7, 19, Wilson teaches providing for a user-defined search of digital information associated with a number of individuals (col. 9, lines 7-18).

As to claims 8, 20, Wilson teaches conducting a more like this search when a search result from the user-defined search of digital information associated with a number of individuals is explored (col. 9, lines 7-18, col. 11, lines 47-65).

As per claim 9, Wilson teaches the more like this search uses speech, facial, and other biometric information to find matches (col. 7, lines 8-24).

As per claim 11, Wilson teaches processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals includes analyzing the media, biometric, and database information with respect to identification factors (col. 9, lines 31-50, col. 5, lines 30-43).

As per claim 12, Wilson teaches processing the media, biometric, and database information to extract, analyze and sort through digital information associated with a number of individuals includes comparing captured media, biometric, and database information of a first individual with media, biometric, and database information of a number of categorized individuals to find a best match (col. 7, lines 8-64, col. 8, line 66 to col. 9, line 30).

As per claim 22, Wilson teaches a presentation device, wherein the presentation device is configured to provide a graphical user interface which presents representations of the captured media, biometric, and database information associated with the individual (col. 8, lines 51-65, col. 5, lines 29-43, col. 6, lines 53-67).

As per claim 23, Wilson teaches an interface device configured to connect the CPU with a network of computers (col. 5, lines 30-43).

As per claim 25, Hamid teaches the CPU is further configured to form a summary profile that is an abstract including intelligent portions of various captures of media, biometric, and database information associated with the individual (col. 5, line 4 to col. 6, line 26).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamid et al. (US Patent No 6,498,861 B1), in view of Wilson et al. (US Patent No. 6,070,159), and further in view of Musgrave et al. (US Patent No. 6,505,193).

As per claim 10, Hamid, Wilson do not specifically teach capturing media, biometric, and database information associated with an individual includes using a video camera to capture audio and moving pictures of the individual. However, Musgrave teaches at col. 12, lines 43-57.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Musgrave's teachings of displaying video thumbnails of video images of the number of individuals on the user interface would have allowed Hamid's users to conduct fast, accurate, cost-effective biometric database searches.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamid et al. (US Patent No 6,498,861 B1), in view of Wilson et al. (US Patent No. 6,070,159), and further in view of Kaplan et al. (US Pub. No. 2001/0056434).

As per claim 13, Wilson does not expressly teach displaying video thumbnails of video images of the number of individuals on the user interface. However, Kaplan teaches this limitation [0008], [0052], [0067].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Kaplan's teachings of displaying video thumbnails of video images of the number of individuals on the user interface would have allowed Hamid's users to store, manipulate, and display multimedia content in a simple and intuitive manner.

Response to Arguments

7. Applicant's arguments filed 11/07/05 have been fully considered but they are not persuasive.

Applicant argues that:

(a) Payne's reference does not teach/suggest claim 1's feature of "multi-modal chronological dossier of the individual, wherein the time information includes when the media, biometric, and database information is captured", and, "history of captured information including times of when the media, biometric, and database information is captured".

(b) There is no suggestion or motivation to combine the teachings of these references.

(c) Wilson cannot be combined with Payne.

The Examiner respectfully disagrees for the following reasons:

Per (a), according to the present invention, the "chronological dossier" or history of captured information can be explained as "a chronological profile that details time and locations of entry into the system" (paragraph [0046]), or "searching for individuals based on certain textual clues to retrieve a detailed chronological account of a suspect along with facial imagery, travel history..." (paragraph [0057]). Similarly, Payne teaches method of biometric face recognition for applicant screening wherein histories of individuals or chronological profile of an individual are searched, compared, and the positive result of this facial comparison transaction is returned to the subsequent financial institution branch and displayed on the image capture computer along with the complete transaction history information for this facial image, col. 11, lines 39-44. The complete transaction history information of individual includes a timestamp (i.e. date and time) of when each prior application transaction occurred, identifying information

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about the applicant including name, the identification number for the applicant screening branch that initiated the transaction, transaction type, and a branch record locator Number (col. 9, lines 19-28).

It is understood that the step of creating a detailed chronological account of an individual should occur every time a new applicant digital image is captured.

Furthermore, Payne teaches the history of capture information as “To capture biometric facial images and store them in the facebase, thus enabling and contributing to additional future fraud prevention methods (col. 7, lines 4-6), and “facebase, containing databases of digital facial images (col. 7, lines 34-35).

It is also noted that the database 28D, which belongs to the facebase 26 containing the history of each prior application transaction (col. 9, lines 19-21), and this history includes a timestamp of when each application transaction occurred (col. 9, lines 23-24). A transaction as described by Payne at col. 9, lines 32-43, is an uploading a captured facial image.

“Referring now to FIG. 3, which shows the components of the first applicant screening branch 30, an applicant 32 has entered the branch, and is applying in person. A digital camera 34 captures a digital image of the face of the applicant 32, and continuously inputs this facial image into the image capture computer 36. Image management and image communications software and hardware 38 allow further manipulation and review of the facial images, and once a satisfactory facial image has been selected, uploads (i.e. transmits) the selected facial image to the computing location 20 where it will be biometrically compared to other faces in the facebase 26 (col. 9, lines 31-43).

The knowledge that is within the level of one of ordinary skill is highlighted hereinabove for the Applicant’s convenience. The Examiner believes that the Applicants have failed to determine the level of ordinary skill as taught by Payne.

Therefore, the Payne cannot be distinguished from the claim invention since Payne teaches all such elements as discussed above.

Per (b), Applicant's arguments seem to be suggesting that there is no suggestion to combine the references. In response to the preceding arguments, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Hamid teaches a method of capturing, analyzing, managing, and accessing disparate types and sources of media, biometric, and database information, the method comprising: capturing media (i.e. a plurality of images is captured, col. 6, line 30), biometric (i.e. a user provides biometric input information, col. 6, lines 64-65), and database information associated with the individual (the profile, col. 18, line 1). Hamid teaches the step of processing the media, biometric, and database information to extract, analyze (i.e. the biometric information samples are provided to a processor associated with their biometric information sources in the form of fingertips, eyes, palm, and voice, col. 11, lines 14-17) and sort through digital information associated with a number of individuals (See Tables 1 and 2 in col. 5 and col. 6, col. 18, lines 31-65, col. 10, lines 22-65).

Wilson teaches providing a user interface that can be configured to retrieve, view, manage, compare, and annotate (i.e. searching, storing, deleting, inserting biometric record, at col. 7, line 33-43) the captured information and analysis (col. 8, lines 33-50, col. 6, lines 54-67, col. 7, lines 45-64).

Payne teaches including time information (i.e. timestamp, col. 9, lines 16-28) with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier (i.e. a timestamp (i.e. date and time) of when each prior application transaction occurred, col. 9, lines 23-24) of the individual (i.e. identifying information about the applicant including name, the identification number for the applicant screening branch that initiated the transaction, col. 9, lines 23-26), wherein the time information includes when the media, biometric, and database information is captured.

Since the three references are concerned with the same solution as the present invention's to the problem of capturing, analyzing, managing, and accessing disparate types and sources of media, biometric, and database information to identify individuals based on biometrics and potential false matches, there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem would look to the cited references at the time the invention was made. Consequently, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine Hamid, Wilson, Payne in arriving at the instant invention because the ordinary skilled artisan would have been motivated to apply Payne's histories of individual (i.e. a complete transaction history information includes timestamp, type of transaction, branch location for this facial image, col. 9, lines 16-28) to Hamid in view of Wilson, because of Payne's taught purpose of biometric facial screening of applicants across multiple branch locations (abstract), as Hamid identifies an individual presenting a biometric information that is based on data from a user to be identified and data from other users (col. 2, lines 49-50), and as Wilson provides a user interface (clients

computer in fig. 1) that can be configured for reliable, efficient, and readily expandable automated biometric data storage, searching, and matching (col. 2, lines 53-54).

Per (c), Wilson and Payne do not teach away from the claimed invention since both references are within the same field of endeavor as the claimed invention. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, the Wilson reference is directed to a method and apparatus for expandable biometric searching (see title), and the claimed invention is directed to a system and method of capture, analysis, management, and access of disparate types and sources of media, biometric, and database information (see title). Simply by comparing the two titles, one can readily note that the Wilson reference and the claimed invention are both concerned with biometric searching. They are, thus, within the same field of endeavor. Similarly to the Wilson reference, Payne's teaching of biometric face recognition for applicant screening (see title) is analogous to applicant's method of capturing media, biometric, and database information associated with a number of individuals. Therefore, the ordinary skilled artisan would be motivated look to the cited references to yield the claimed invention since they complement each other.

Further, it is brought to applicant's attention that the claimed limitation "multi-modal chronological dossier of the individual" was cited by the Payne reference, not Wilson.

Applicant has made a piecemeal analysis of the references. Applicant is therefore reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, Applicant's attack of Wilson and Payne's references individually cannot be relied upon to show nonobviousness.

As pointed out by the Examiner, only the teaching of including time information with the captured media, biometric, and database information associated with an individual to create a multi-modal chronological dossier of the individual, being taught by Payne, is used in combining with the system of Hamid and Wilson to render obvious the claimed limitations.

Thus, contrary to Applicant's argument, it is clear that claims 1-2, 4-9, 11-12, 16-23, 25 are obvious in view of Hamid, Wilson and Payne and it would have been obvious to combine these cited references in accordance with the motivation set forth above in (b).

Accordingly, the claimed invention as represented in the claims does not represent a patentable over the art of record.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere, Esq., can be reached on (571) 272-3780. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le
February 1, 2006

